

NEW HAMPSHIRE BOARD OF NURSING
MINUTES - DRAFT
August 20, 2015
Philbrook Building
Conference Room B119

1. CALL TO ORDER

The meeting was called to order by Chairwoman N. Fortin at 8:05 a.m.

Board Members Present: Chairwoman Nora Fortin (NF), Vice Chairwoman Kathleen Kidder (KK), Tracey Collins (TC), Harley Featherston (HF), Beth Fersch (BF), Ann Finn-Waddell (AFW), James Kuras (JK), Sherrie Palmieri (SP), Roberta Petrin (RP), and Nancy Wiggin (NW).

Board Member Absent: Cynthia Smith

Board Staff Present (for all or part of the meeting): Anita Pavlidis, Carol Brody, Susan Goodness, Suzanne Beauchesne. Sarah Howlett.

Others Present: (for all or part of the meeting)

Attorney Jeanne Herrick
David Thomas, Martin Healthcare
Jessica Deming
Brandel Cornwell LaPierre
Dr. Susan Fetzer
Roberta Cote
Christine Ellison
Mary Ellen Walker
Karen Tetreault
Linda Fker
Deb Hastings, Dartmouth Hitchcock
Susan Reeves, Colby-Sawyer College
Kelley Taylor, NHTI
Molly (Maureen) Schlangen, NHTI
Lynn Tasker

1.1 Open Forum

Attorney Jeanne Herrick who represents the Lakes Region Community College asked when the Board might consider **Agenda Item 10.3.3 Revised Curriculum of the Community College**. Chairwoman Fortin suggested immediate consideration of the matter.

Anita Pavlidis, Program Specialist, indicated that the college is moving in the right direction and recommended the Board approve their 2nd semester curriculum. **J. Kuras moved, second by B. Fersch, to approve the Lakes Region Community College's second semester, first level, Nursing II, revised course outline. Motion passed unanimously.**

1.2 Agenda

H. Featherston moved, second by K. Kidder, to pull Consent Agenda items identified as 7.4.1, 7.4.2, and 7.5.3. Motion passed unanimously.

H. Featherston moved, second by K. Kidder, to approve all other Consent Agenda items as presented. Motion passed unanimously.

1.2.1 Additions

The following items were added to the agenda and included in the Board folder:

2.2 -- Emergency Meeting Minutes – August 13, 2015

4.2.1 – Nur 400 written response

7.2.2 – A. Wilkinson, LNA (SA) #043238-24

10.3.4 – St. Anselm College – Revised Curriculum

10.3.5 – White Mountains Community College

11.3.3 – RN Scope of Practice: Eyelash Extensions

1.2.2 Deletions – None

K. Kidder moved, second by T. Collins, to pull Consent Agenda item 7.2.2. Motion passed unanimously.

1.3 Appearances

7.1.1	S. Lewis	9:30 a.m. (CONTINUED)
7.1.2	C. Greenwaldt	10:30 a.m.
7.1.3	C. Lescault	11:00 a.m.
8.1.1	J. Deming	11:30 a.m.
8.1.2	B. Cornwell-Lapierre	11:45 a.m.
8.1.3	M. Ramonowski	1:00 p.m.
8.1.5	A. Rawson	1:15 p.m.
8.1.4	R. Cote	1:45 p.m.
4.2	Public Hearing	2:00 p.m.

2. APPROVAL OF MINUTES

H. Featherston moved, second by N. Wiggin, to accept the minutes of the July 16, 2015 meeting as presented. Motion passed unanimously.

T. Collins moved, second by B. Fersch, to accept the minutes of the emergency board meeting of August 13th. Motion passed on a vote of 9-0-1 (Chairwoman Fortin recused).

3. REPORT OF CHAIR/MEMBERS -- None.

4. REPORT OF EXECUTIVE DIRECTOR/STAFF

4.1 Expense Summary Budget - FYI

4.2 Public Hearing/Administrative Rules (will be held 2:00 to 3:30 p.m.)

4.3 NH BON Mission and Philosophy Statement – T. Collins moved, second by S. Palmieri, to accept the Board’s Mission/Vision Statement as amended. Motion passed unanimously.

5. ATTORNEY GENERAL - None

6. REPORT OF INVESTIGATOR/PROSECUTOR – Current cases number 125.

Pursuant to RSA 91-A:3 II, K. Kidder moved, second by T. Collins, to enter non-public session at 8:40 a.m. for the purpose of discussing alleged licensee misconduct. Minutes of non-public session shall be sealed. Board voted as follows: Yea: NF, KK, RP, BF, JK, HF, TC, SP, AFW, and NW. At 9:00 a.m., T. Collins moved, second by B. Fersch, to re-enter public session.

7. ADJUDICATION

Adjudicative (Investigator/ Prosecutor)

7.1 Hearings

7.1.1 S. Lewis, Suspended RN #053555-21 -- CONTINUED

7.1.2 C. Greenwaldt, Inactive LNA #013988-24

Hearing held for C. Greenwaldt, Docket No. 15-0728-0487 pursuant to the Nurse Practice Act RSA 326-B and the Administrative Rules, Chapter 100-800, proceeded at 10:37 a.m. with N. Fortin presiding.

Board members present: K. Kidder (KK), R. Petrin (RP), B. Fersch (BF), J. Kuras (JK), H. Featherston (HF), T. Collins (TC), S. Palmieri (SP), A. Finn-Waddell (AFW). N. Wiggin (NW) recused.

Board staff present: A. Pavlidis (AP), S. Goodness (SG), S. Beauchesne (SB), L. O’Connor (LO), Hearing Counsel for Board of Nursing.

Reading of Notice of Hearing waived. Respondent was not present. **K. Kidder moved, second by H. Featherston, to affirm prosecutor's proposed findings of facts #1 - #9, #11 and #12; amend prosecutor's proposed findings of facts #10; and affirm prosecutor's proposed rulings of law #1 - #3, and affirm prosecutor's proposed sanctions #2-#5, and amend prosecutor's proposed sanctions to include the revocation for a minimum of five years. Motion passed unanimously.** Hearing concluded at 10:44 p.m.

7.1.3 C. Lescault, LNA #044016-24

Hearing held for C. Lescault, Docket No. 15-0728-0488 pursuant to the Nurse Practice Act RSA 326-B and the Administrative Rules, Chapter 100-800, proceeded at 10:37 a.m. with N. Fortin presiding.

Board members present: K. Kidder (KK), R. Petrin (RP), B. Fersch (BF), J. Kuras (JK), H. Featherston (HF), T. Collins (TC), S. Palmieri (SP), A. Finn-Waddell (AFW) and N. Wiggin (NW).

Board staff present: A. Pavlidis (AP), S. Goodness (SG), S. Beauchesne (SB), L. O'Connor (LO), Hearing Counsel for Board of Nursing.

Reading of Notice of Hearing waived. **T. Collins moved, second by H. Featherston, to affirm prosecutor's proposed findings of facts #1 - #4, #6 - #9; deny prosecutor's proposed findings of facts #5; and affirm prosecutor's proposed rulings of law #1 and #3 - #4, and deny prosecutor's proposed rulings of law #2, and affirm prosecutor's proposed sanctions #2 - #7 and suspend the LNA's license for two years and assess a \$1500 monetary penalty. The motion passed 5-4.** Hearing concluded at 10:45 p.m.

Pursuant to RSA 91-A:3 II, **N. Wiggin moved, second by T. Collins to enter non-public session at 10:50 a.m. for the purpose of discussing alleged licensee misconduct.** Minutes of non-public session shall be sealed. Board voted as follows: YEA: NF, KK, AFW, RP, BF, JK, TC, HF, NW, SP. **K. Kidder moved, second by J. Kuras to re-enter public session at 10:55 a.m. Vote was unanimous.**

7.2 Consent Decree/Settlement Agreement/Voluntary Surrender/Preliminary Agreement for Practice Restrictions

7.2.1 K. Lyons, LNA (VS) #019440-24

Under Consent Agenda, the Board approved the recommended action of the LNA's voluntary surrender of license.

7.2.2 A. Wilkinson, LNA (SA) #043238-24 (PULLED FR CONST AGENDA)
Recused Board Member: K. Kidder. **T. Collins moved, seconded by R. Petrin, to place the LNA's license on a probationary status for a period of 24**

months during which time the LNA shall fulfill the requirements as stated in a Settlement Agreement dated August 19, 2015.

7.3 Motion for Reconsideration/Rehearing/Continuance/Prehearing Conference Order

Pursuant to RSA 91-A:3 II, H. Featherston moved, second by K. Kidder, to enter non-public session at 11:22 p.m. for the purpose of discussing alleged licensees misconduct. Minutes of non-public session shall be sealed. Board voted as follows: YEA: NF, KK, HF, RP, TC, BF, JK, SP, NW, AFW. J. Kuras moved to re-enter public session at 12:00 p.m. Second by K. Kidder. Motion passed unanimously.

7.4 Dismissals (Proposed)

7.4.1 L. F., RN – PULLED FROM CONSENT AGENDA

T. Collins moved to deny the prosecutor's recommendation to dismiss the complaint against the RN and seek a public hearing. Second by A. Finn-Waddell. The motion failed on a 4-6 vote.

J. Kuras moved to accept the prosecutor's recommendation to dismiss the complaint against the RN with no further action. Second by N. Wiggin. Motion passed on a 6-4 vote (T. Collins, A. Finn-Waddell plus 2 opposed).

7.4.2 A.C., RN – PULLED FROM CONSENT AGENDA

S. Palmieri moved to accept the prosecutor's recommendation to dismiss the complaint against the RN and issue the RN a letter of concern. Second by N. Wiggin. Motion passed unanimously.

7.4.3 H. B., APRN

Under Consent Agenda, the Board approved the prosecutor's recommendation to dismiss the complaint against the APRN with no further action.

7.5 Recommendations (Proposed)

7.5.1. M.G., LNA

Under Consent Agenda, the Board approved the prosecutor's recommended action to seek public discipline for the LNA.

7.5.2 W.C., LNA – CA

Under Consent Agenda, the Board approved the prosecutor's recommended action to seek public discipline for the LNA.

7.5.3 P.L., LNA – PULLED FROM CONSENT AGENDA

Recused Board member: B. Fersch. **N. Fortin moved, second by S. Palmieri, to dismiss the complaint against the LNA with a letter of concern and notify the Massachusetts Public Health of the violation of scope of practice.**

7.5.4 A.N., RN

Under Consent Agenda, the Board approved the prosecutor's recommended action to seek public discipline for the RN.

8. ADJUDICATIVE (EXECUTIVE DIRECTOR)

8.1 Requests for Reinstatement, Removal of Probation, Restrictions, Modifications or Conditions

8.1.1. J. Deming, Inactive LNA #032032-24

Licensee requests that LNA license, voluntarily surrendered in December 2014, be reinstated. **T. Collins moved, second by K. Kidder, to deny reinstatement of the LNA's license. Motion passed unanimously.**

8.1.2 B. Cornwell-Lapierre, Inactive LNA #039122-24

Licensee is seeking reinstatement of LNA license. **S. Palmieri moved, second by R. Petrin, to deny licensee's request. Motion passed 7-3.**

8.1.3 M. Romanowski, Inactive LNA #051185-24

Licensee has applied for renewal of LNA license. If approved by the Board, will need to reinstate since LNA license expired June 15, 2015. **A. Finn-Waddell moved, second by S. Palmieri, to deny LNA's request. Motion passed 9-1 (H. Featherston opposed).**

8.1.4 R. Cote, LPN #007069-22

Licensee has completed all stipulations as ordered by the Board on November 24, 2014 and petitions for removal of probation and stipulations from LPN license. **K. Kidder moved, second by J. Kuras, to remove probation and all stipulations from the LPN's license. Motion passed unanimously.**

8.1.5 A. Rawson, Inactive LNA #046557-24

Licensee has requested her license be reinstated. **T. Collins moved, second by S. Palmieri, to deny the licensee's request. Motion passed 8-2 (B. Fersch and A. Finn-Waddell opposed.)**

8.2 Recommendations (Proposed)

8.2.1 – 8.2.4 Letters of Concerns and Dismissals
(BF, LPN and KK, APRN recused)

Under Consent Agenda, the Board approved the recommendations as proposed.

9. **CLINICAL PRACTICE**

9.1 Licensure issues

9.2 Licensure – non-appearances

Under Consent Agenda, the Board approved the recommendations as proposed.

- 9.2.1 R.M., APRN application
- 9.2.2 A.B., LNA Initial Licensure
- 9.2.3 J.W., LNA Initial Licensure
- 9.2.4 S.D., LNA Initial Licensure
- 9.2.5 E.H., LNA Initial Licensure
- 9.2.6 R.H., RN Initial Licensure
- 9.2.7 D.S., LNA Initial Licensure
- 9.2.8 J.C., LNA Initial Licensure
- 9.2.9 C.A., RN Licensure by Exam
- 9.2.10 A.B., LNA Reinstatement
- 9.2.11 L.K., LNA Initial Licensure
- 9.2.12 A.M., RN Licensure by Exam
- 9.2.13 D.F., LPN Licensure by Exam
- 9.2.14 S.H., LPN Licensure by Exam

10. **EDUCATION**

10.1 Consideration for Approval Status

10.1.1 Coos County Nursing Home – MNA Program

Under Consent Agenda, the Board approved the recommendation as proposed.

10.2 New Programs

10.3 Educational Issues

10.3.1 NCLEX Results, 2nd Quarter

Report reflects a NH pass rate average for degree programs at 91.34% in comparison to the national pass rate average of 86.77%. The Board agreed that a letter be sent to St. Joseph Hospital asking that they submit a plan for improvement of substandard scores and include discussion of change in program governance and continuing hospital support. In addition, the Board agreed to send a letter to Harmony Health Care Institute asking for an explanation of substandard NCLEX scores and intended program plan for improvement.

10.3.2 Nursing Education Program Evaluations – Article provided FYI

10.3.3 Lakes Region Community College – Taken Up Earlier

10.3.4 St. Anselm College – Revised Curriculum

The Board approved St. Anselm's revised curriculum.

10.3.5 White Mountains Community College

The Board agreed to send a letter reiterating the expectation that WMCC attend the fall, 2015 ACEN Self-Study Forum and proceed with candidacy.

10.4 Days of Discussion

10.4.1 RN/LPN Day of Discussion - Scheduled for August 27th from 1:00 to 5:00 p.m. with focus on nurse education. T. Collins, S. Palmieri, and D. Nies agreed to serve on a Board panel. A flyer has been posted. Hope to get up to 100 registrants. SNHU will host the meeting and provide refreshments.

10.4.2 LNA Day of Discussion – An LNA/MNA Coordinators' Day will be held on October 22nd. The primary agenda for that meeting is "Students with Learning Disabilities."

10.5 Workforce Center Project – Working to determine what to put on Survey Monkey. Need to define infrastructure.

11. **PRACTICE INQUIRIES and PRACTICE COMMITTEE REPORTS**

11.1 Liaison Committee -- No report provided.

11.2 P&E Committee – T. Collins indicated that a review of the legislation relative to epinephrine administered in schools will be discussed at a meeting on August 31st. D. Nies indicated that the School Nursing Association is very involved in the legislation. Next meeting is September 3rd.

Canobis Committee – A. Finn-Waddell agreed to serve as Board representative. The committee meets as necessary.

11.3 Request for Board Advice

11.3.1 LPN Scope of Practice – Staging a Wound

It was the consensus of the Board that with training and demonstrated competency, an LPN can stage a wound based on established protocol and delegation of the task by an RN.

11.3.2 RN Scope of Practice – Perform Kybella Injections

With training and demonstrated competency, an RN may perform the task of injecting this drug under delegation of a provider order.

11.3.3 Performing Eyelash Extensions

The Board recommends checking with the Board of Cosmetology regarding the need for an esthetician's license. The Board advised that this task would not meet the requirements for nursing license hours.

12. LEGISLATION

SB 25-FN – A bill relative to epinephrine administered in schools – FYI

HB 484 – Proposed Delegation Guidelines for LNA's – Legislation has passed the NH House and Senate. K. Kidder moved, seconded by S. Palmieri, to approve drafting a form letter to be signed by Executive Director, Denise Nies. Motion passed unanimously.

- 13. NATIONAL COUNCIL** -- Interstate Commission is looking to propose new Compact for RN/LPNs. APRN Compact will be done separately. Will require legislative action in the next few years.

- 14. OLD BUSINESS** -- None

15. CORRESPONDENCE/ARTICLES/FYIs

4.2 PUBLIC HEARING ON ADMINISTRATIVE RULES: Chairwoman Fortin called the public hearing to order at 2:02 p.m. A number of comments were received on Administrative Rules 400, 500, and 600. The public hearing closed at 4:05 p.m.

16. ADJOURNMENT

T. Collins moved, second by S. Palmieri, to adjourn the meeting at 4:05 p.m. The motion passed unanimously.

NOTE: The “retreat” Board meeting will be held in October